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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,156	09/30/2003	Kurt A. Dobbins	026215-00003	9790

4372 7590 08/10/2007

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EXAMINER	
KEEFER, MICHAEL E	

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/673,156	DOBBINS ET AL.	
	Examiner	Art Unit	
	Michael E. Keefer	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 May 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed 5/30/2007.

Claim Objections

2. Claims 11 and 25-26 are objected to because of the following informalities:

Regarding **claim 11**, the Examiner suggests that this claim should have had the status designator (New) at the beginning of the claim.

Regarding **claim 25**, it is suggested that the word "device" at the end of the claim be deleted and replaced with the word "device." to improve the clarity of the claim.

Claim 26 is objected to for being dependent upon objected claim 25.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-10, 12-15, 17-18, and 20-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamanaka et al. (US 6757283), hereafter Yamanaka..

Regarding **claim 2**, Yamanaka discloses:

A method of coupling a content tag with content, the method comprising:

associating the content tag indicating a type of service in accordance with the content, wherein the content tag is created and associated with the content at the point of origination of one selected from a group consisting of a client and a server; (Fig. 1, note the content ID is added to the main information)

reading the content tag in an instance of network transmission; generating flow information for the content, the flow information including information specifying the type of service indicated in the content tag; (Fig. 3, packet header analyzer 5 reads the content tag and generates information telling the discard controller how to handle the packet)

transmitting at least part of the content according to the type of service specified by the flow information; and (Fig. 3 pass/discard controller 6, transmits the data to user terminal 8 (Fig. 1))

providing the at least part of the content to a user requested location. (Fig. 3 pass/discard controller 6, transmits the data to user terminal 8 (Fig. 1))

Regarding **claim 3 as applied to claim 2**, Yamanaka discloses:

wherein the content is electronic data. (Fig. 1, main information is electronic data)

Regarding **claim 4 as applied to claim 2**, Yamanaka discloses:

wherein the content is media content. (Fig. 1, main information is media content)

Regarding **claim 5 as applied to claim 2**, Yamanaka discloses:

wherein the flow information for the content is generated at the location where the content is originally published or where the content is originally transmitted. (Fig. 32, the information providing terminal sets up the content filters along the desired route to the user terminal.)

Regarding **claim 6 as applied to claim 2**, Yamanaka discloses:

wherein the transmitting at least part of the content includes: transmitting the content according to the type of service specified by the flow information over a peer-to-peer network. (Fig. 1, network 10 is a peer-to-peer network (the content filters are all peers)

Regarding **claim 7 as applied to claim 2**, Yamanaka discloses:

7. (New) The method according to claim 2, wherein the content tag enables control on distribution of the content by at least one selected from a group consisting of an owner of the content, a peer-to-peer network, and a service provider. (Fig. 1, distribution network 10 controls the distribution of the media based upon the content id (COI).)

Regarding **claim 8 as applied to claim 2**, Yamanaka discloses:

identifying a type of content in order to provide specific transport service to differing types of content. (Fig. 3, content types that are listed in table 4 are transmitted, content types that are not are dropped.)

Regarding **claim 9 as applied to claims 2 and 8**, Yamanaka discloses:

wherein identifying a type of content includes: reading the content tag. (Fig. 3, content types that are listed in table 4 are transmitted, content types that

are not are dropped. The content tag must be read in order to be compared with table 4)

Regarding **claim 10 as applied to claims 2 and 8**, Yamanaka discloses:

wherein the specific transport service includes at least one selected from a group consisting of a predetermined amount of bandwidth, a quality of service, a transmission attribute, an amount of packet loss, and an amount of jitter. (Fig. 3, the system decides the amount of packet loss and transmission attributes (i.e. will the packets be dropped (lost) for a certain content type)

Regarding **claim 12 as applied to claim 2**, Yamanaka discloses:

wherein associating the content tag with the content includes: associating a multi-element content tag with the content. (Fig. 40)

Regarding **claim 13 as applied to claim 2**, Yamanaka discloses:

wherein associating the content tag with the content includes: associating a content tag, wherein the content tag is configured such that the content tag is extendible while remaining machine readable. (Fig. 40)

Regarding **claim 14 as applied to claims 2 and 13**, Yamanaka discloses:

wherein remaining machine readable content tag includes remaining at least one selected from a group consisting of electronic and data encoded. (Fig. 40)

Regarding **claim 15 as applied to claim 2**, Yamanaka discloses:

authenticating the distribution allowed for the content, and authorizing only the allowed distribution for the content. (Fig. 3, only content in table 4 (i.e. authorized) is transmitted (i.e. distributed)

Regarding **claim 17 as applied to claim 2**, Yamanaka discloses:

wherein the user requested location is a device. (Fig. 1, user terminal 8)

Regarding **claim 18 as applied to claims 2 and 17**, Yamanaka discloses:

wherein the device is one selected from a group consisting of personal computer, a minicomputer, a microcomputer, a mainframe computer, a personal digital assistant, a hand-held device, a set-top box, a cellular telephone, an IP telephone, a videophone, a videogame machine, a television, and a personal video recorder. (Fig. 1, user terminal 8)

Regarding **claim 20 as applied to claim 2**, Yamanaka discloses:

wherein the content tag includes electronic bits of information identifying at least one selected from a group consisting of a type of service, a content class or type, an originator of the content, metadata with searchable descriptors, an authentication Uniform Resource Locator (URL) configured to enable dynamic authentication, an association with a type of network service, and a content application. (Fig. 40, category identifier identifies a type or class of content)

Regarding **claim 21**, Yamanaka discloses:

A method of inserting a content identifier with electronic data, the method including:

inserting the content identifier in the electronic data at a point of origination of one selected from a group consisting of a client and a server; (Fig. 1, note the content ID is added to the main information)

reading the content identifier in an instance of network transmission; (Fig. 3, packet header analyzer 5)

determining a type of transmission service to accord the electronic data based on information in the content identifier; (Fig. 3 pass/discard controller 6 and packet header analyzer 5, along with table 4 perform this function)

transmitting at least part of the electronic data according to the determined type of service; and (Fig. 3, pass/discard controller 6 transmits the data that is meant to be sent according to the table 4)

providing the at least part of the content to a user requested location. (Fig. 1, user terminals 8 receive the information)

Regarding **claim 22 as applied to claim 21**, Yamanaka discloses:

wherein transmitting the at least part of the electronic data includes: transmitting the electronic data over a network in which clients and servers are distributed such that an owner of the electronic data does not own the server element on which the electronic data is stored. (Fig. 1, the "owner of the data" (or the user) does not own the server, but instead "own" the main information that is to be distributed, see Col. 12, lines 30-29)

Regarding **claim 23 as applied to claims 21 and 22**, Yamanaka discloses:

wherein the electronic data is media content. (Fig. 1, main information is media)

Regarding **claim 24 as applied to claims 21-23**, Yamanaka discloses:

wherein the content identifier enables control on distribution of the media content by at least one selected from a group consisting of the content owner, the network, and a service provider. (Fig. 1, distribution network 10 controls the distribution of the media based upon the content id (COI).)

Regarding **claim 25 as applied to claim 21**, Yamanaka discloses:

wherein the user requested location is a device. (Fig. 1, user terminals 8 are devices)

Regarding **claim 26 as applied to claims 21 and 25**, Yamanaka discloses:

wherein the device is one selected from a group consisting of personal computer, a minicomputer, a microcomputer, a mainframe computer, a personal digital assistant, a hand-held device, a set-top box, a cellular telephone, an IP telephone, a videophone, a videogame machine, a television, and a personal video recorder. (Fig. 1, user terminal 8)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka as applied to claims 2 and 15 above, and further in view of Jennings et al. (US 2002/0099842), hereafter Jennings.

Regarding claim 19, Yamanaka discloses:

wherein generating the flow information for the content further comprises: retrieving a transport profile corresponding to the content tag from at least one selected from a group consisting of an external database, a look up table, and a Uniform Resource Locator (URL) serving agent. (See Fig. 6, COI table 13)

Yamanaka discloses all the limitations of claims 16 and 19 except for including geographic restrictions.

The general concept of using geographic restrictions to limit content distribution is well known in the art as taught by Jennings. (See [0137]-[0139])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Yamanaka with the general concept of using geographic restrictions to limit content distribution as taught by Jennings in order to enable the content owner to control who views its content with more granularity. (Jennings [0039])

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamanaka as applied to claims 2, 8, and 10 above, and further in view of Tavs et al. (US 6073175), hereafter Tavs.

Yamanaka discloses all the limitations of claims 2, 8, and 10 except for the specific transport service being the amount of bandwidth.

The general concept of using a content ID to determine the amount of bandwidth to give to data is well known in the art as taught by Tavs. (Abstract, note that the PICS labeling information (i.e. content ID) is used to determine a service level (i.e. amount of bandwidth.)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Yamanaka with the general concept of using a content ID to determine the amount of bandwidth to give to data as taught by Tavs in order to support service differentiation in an environment where service differentiation is based on the content of messages. (Tavs, Col. 2 lines 35-40)

Response to Arguments

8. Applicant's arguments with respect to claims 2-26 have been considered but are moot in view of the new ground(s) of rejection.

The rejections and objections directed towards claim 1 in the previous Office Action are moot since claim 1 is now cancelled. New rejections and objections have been made based upon Applicant's amendment.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 5:30am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MEK 8/2/2007

NATHAN FLYNN
SUPERVISORY PATENT EXAMINER